

### **III. REMARKS**

Claims 1, 9 and 10 have been amended by this paper and claims 6-8 have been canceled. As a result, claims 1-5 and 9-15 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicant respectfully requests entry of this Amendment.

In the Office Action, claims 1-15 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 1 is rejected under 35 U.S.C. §101 as allegedly lacking patentable utility. Claims 1-7 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by O'Shaughnessy (U.S. Patent App. No. 6,317,726), hereafter "O'Shaughnessy."

#### **A. REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Office has asserted that claims 1-15 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office objects to the terms "useful information" and "non-useful information" in claim 1.

Applicant has amended claim 1 to include the subject matter deemed allowable by the Office as a further clarification to the separating useful and non-useful information.

In addition, the Office asserts that claim 1 is incomplete for omitting essential steps, such omission amounting to a gap between the steps. Specifically, the Office states that the “sub-scoring” and “scoring” of the claimed invention does not provide “investment decisions and/or strategies” as stated in the preamble. Applicant has amended claim 1 to recite “...processing the results of said subscoring process by a scoring process to provide a score corresponding to an assessment for an investment decision.”

The Office still further objects to the use of the term “HY” in the claims without previous definition. Applicant has amended claim 1 to recite “high yield (HY).” The Office has also objected to use of the term “radar-like”. Applicant has amended claim 1 to change the term “radar-like” to “radar-type”. Accordingly, Applicant respectfully requests withdrawal of the rejection.

## **B. REJECTION OF CLAIM 1 UNDER 35 U.S.C. §101**

The Office has rejected claim 1 for allegedly failing to satisfy the utility requirement. Applicant respectfully submits a belief that the incorporation of the subject matter of claims 6-8 should serve to overcome the Office’s rejection. Accordingly, Applicant requests that the rejection be withdrawn.

## **C. REJECTION OF CLAIMS 1-7 UNDER 35 U.S.C. §102(e)**

The Office has objected to claims 8-10 as being dependent upon a rejected base claim, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended independent claim 1 to incorporate the allowable subject matter of claims 6-8. Accordingly, Applicant submits that the subject matter of each of the claims as well as any dependent claims is allowable as written. Accordingly, Applicant respectfully requests withdrawal of the rejections and allowance of the claims.

## **VI. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. These features have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



Date: November 13, 2006

---

Hunter E. Webb  
Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)